IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2173 OF 2006

Shri Laxman Shyamsundar Patil & Ors. ..Petitioners.
Vs.
Shri Prabhakar Vasudeo Mukadam & Ors. ..Respondents.

Ms. Nikita Trivedi i/b M/s. YKS Legal, adv. for the Petitioners.

Mr.Gauri Godse, adv. for the Respondent Nos.1 to 3.

CORAM : J.H.BHATIA, J.
DATE : OCTOBER 5, 2007.

P.C.:

1. Heard the learned counsel for the Parties.

2. The respondents are the original plaintiffs. They filed suit for perpetual injunction restraining the defendants/petitioners from obstructing the possession and from making any construction in the suit field. Application was opposed. After hearing the parties, the learned trial Court passed an order of temporary injunction on application Exhibit 5 filed by the plaintiffs/respondents. That order was challenged by the present petitioners in Miscellaneous Civil Appeal No.43 of 2005. That appeal also came to be dismissed. The learned District Judge noted that there was record to show that the plaintiffs and their forefathers were in possession of the suit property.

The defendants tried to claim on the basis of mutation entry, which was set aside by the Tehsildar. Order of Tehsildar was challenged by the present petitioners. That appeal was also dismissed. The suit is pending before the trial Court. Taking into consideration the circumstances, I find no substance in the petition. Therefore, petition stands dismissed.

[J.H.BHATIA, J.]